

JAMES E. GERINGER (OSB No. 951783) [james.geringer@klarquist.com](mailto:james.geringer@klarquist.com)  
PATRICK M. BIBLE (OSB No. 020323) [patrick.bible@klarquist.com](mailto:patrick.bible@klarquist.com)  
KLARQUIST SPARKMAN, LLP  
121 S.W. Salmon Street, Suite 1600  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Fax: (503) 595-5301

GEORGE A. RILEY (*pro hac vice*) – [griley@omm.com](mailto:griley@omm.com)  
MARK E. MILLER (*pro hac vice*) – [markmiller@omm.com](mailto:markmiller@omm.com)  
LUANN L. SIMMONS (*pro hac vice*) – [lsimmons@omm.com](mailto:lsimmons@omm.com)  
MICHAEL SAPOZNIKOW (*pro hac vice*) – [msapoznikow@omm.com](mailto:msapoznikow@omm.com)  
O'MELVENY & MYERS LLP  
Two Embarcadero Center, 28th Floor  
San Francisco, California 94111  
Telephone: (415) 984-8700  
Facsimile: (415) 984-8701

Attorneys for Plaintiff  
MENTOR GRAPHICS CORPORATION

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORLAND DIVISION**

**MENTOR GRAPHICS CORPORATION,**  
an Oregon corporation,

Civil Action No. 3:10-CV-954-HU

**PLAINTIFF,**  
v.  
**FIRST AMENDED AND  
SUPPLEMENTAL COMPLAINT FOR  
PATENT INFRINGEMENT AND  
DEMAND FOR JURY TRIAL**

**EVE-USA, INC.**, a Delaware Corporation, and  
**EMULATION AND VERIFICATION  
ENGINEERING, S.A.**, formed under the laws  
of France,

**DEFENDANTS.**

Plaintiff Mentor Graphics Corporation (“Mentor Graphics”) hereby alleges in its First Amended and Supplemental Complaint against Defendants EVE-USA, Inc. and Emulation and Verification Engineering, SA (collectively, “Defendants”) as follows:

### **PARTIES**

1. Mentor Graphics is a corporation organized and existing under the laws of the State of Oregon, with a principal place of business at 8005 SW Boeckman Road, Wilsonville, Oregon 97070.

2. EVE-USA, Inc. is a corporation organized and existing under the laws of Delaware, with a principal office in San Jose, California.

3. Emulation and Verification Engineering, SA (“EVE SA”) is a French corporation headquartered in Palaiseau, France.

4. EVE-USA, Inc. is a wholly-owned subsidiary of EVE SA.

5. EVE-USA, Inc. and EVE SA jointly develop, market and support the “ZeBu” series of verification, emulation and acceleration systems.

6. The “ZeBu” series of emulation systems is marketed and sold in competition with verification, emulation and acceleration systems designed, manufactured, marketed, and sold by Mentor Graphics.

### **JURISDICTION AND VENUE**

7. This action arises under the patent laws of the United States, Title 35 of the United States Code, including, but not limited to, 35 U.S.C. § 271.

8. This court has original jurisdiction over patent infringement claims under 28 U.S.C. §§ 1331 and 1338(a).

9. EVE-USA, Inc. has committed acts of patent infringement in this District.

10. EVE-USA, Inc.’s contacts with this District are sufficient to subject it to the personal jurisdiction of this court.

11. EVE SA has committed acts of patent infringement in this District.

12. EVE SA’s contacts with this District are sufficient to subject it to the

personal jurisdiction of this court.

13. Defendants have sold and/or offered to sell ZeBu emulation system products in this District.

14. Defendants have offered product support for ZeBu emulation systems in this District.

15. A ZeBu Server was recently purchased by a customer of Defendants and assigned to the customer's office in Oregon. The customer instructed Defendants to deliver the ZeBu Server to the customer's Oregon office.

16. Before the sale referenced in paragraph 15, Defendants offered to sell the ZeBu Server to the customer for use in the customer's Oregon office.

17. Defendants have agreed to provide maintenance and support services for the ZeBu Server referenced in paragraph 15.

18. Defendants have provided maintenance, support, and installation services in Oregon for products that Defendants previously sold and delivered in Oregon.

19. Additional facts supporting personal jurisdiction over EVE SA and EVE-USA are found in Exhibits A and B to the September 30, 2010 Declaration of Luc Burgun.

20. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

## **GENERAL ALLEGATIONS**

21. Mentor Graphics is an industry leader in functional design and verification. Mentor Graphics has provided the world's leading circuit design companies with mission-critical design and verification tools for over two decades. As an industry leader, Mentor Graphics has introduced numerous innovations in the design and verification field, including but not limited to those covered by United States Patents No. 6,876,962 (the '962 Patent).

22. The '962 Patent is titled "Method And Apparatus For Concurrent Emulation Of Multiple Circuit Designs On An Emulation System," and issued on April 5, 2005. A copy of the '962 Patent is attached as Exhibit A to this First Amended and Supplemental

Complaint.

23. Mentor Graphics owns all right, title and interest in the '962 Patent.

24. On March 31, 2004, before the '962 Patent issued, Mentor Graphics offered to license Defendants under the allowed claims that issued in the '962 Patent. Defendants did not take a license under the '962 Patent, and instead incorporated the inventions claimed in the '962 Patent in Defendants' ZeBu emulation systems without authority or license from Mentor Graphics.

#### **COUNT I - PATENT INFRINGEMENT**

25. Mentor Graphics repeats and realleges each and every allegation contained in the preceding paragraphs, with the same force and effect as if repeated in full here.

26. Defendants have infringed the '962 Patent by, inter alia, making, using, selling, offering for sale, importing, and supporting Defendants' "ZeBu" series of verification, emulation and acceleration systems in the United States, including at least "ZeBu Server."

27. Defendants have infringed and continue to infringe the '962 Patent by making, using, selling, offering for sale, and/or importing infringing products, without authority or license from Mentor Graphics, in violation of 35 U.S.C. § 271(a).

28. Defendants have induced others to infringe one or more claims of the '962 Patent in violation of 35 U.S.C. § 271(b).

29. Defendants have contributorily infringed one or more claims of the '962 Patent in violation of 35 U.S.C. § 271(c).

30. Mentor Graphics has suffered damages as a result of Defendants' infringement of the '962 Patent.

31. Defendants have been aware of the existence of the application that issued as the '962 Patent and its subject matter at least since March 31, 2004. Defendants' infringement, therefore, has been and continues to be willful.

32. Defendants will continue to infringe, induce others to infringe, and/or engage in contributory infringement of the '962 Patent unless enjoined by the Court.

33. Defendants' acts of infringement have caused and, unless enjoined by this Court, will continue to cause Mentor Graphics to sustain irreparable damage, loss and injury, for which Mentor Graphics has no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, Mentor Graphics prays for judgment against Defendants as follows:

1. Preliminarily and permanently enjoining Defendants, their officers, agents, servants, and employees, and all persons acting in concert with them, and each of them, from infringing, inducing others to infringe, and/or engaging in contributory infringement of the '962 Patent;
2. Awarding Mentor Graphics damages based on Defendants' infringement of the '962 Patent, in an amount according to proof, and trebling same by reason of the willful, wanton, and deliberate nature of such infringement;
3. Declaring that this is an exceptional case under 35 U.S.C. § 285 and awarding Mentor Graphics its attorneys' fees and costs in this action;
4. Assessing prejudgment interest on damages; and,
5. Awarding Mentor Graphics such other and further relief as the Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Mentor Graphics hereby demands trial by jury of all issues so triable under the law.

Dated: 10/20/2010

/s/ Mark E. Miller

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George A. Riley (*pro hac vice pending*)  
griley@omm.com  
Mark E. Miller (*pro hac vice pending*)  
markmiller@omm.com  
Luann L. Simmons (*pro hac vice pending*)  
lsimmons@omm.com  
Michael Sapoznikow (*pro hac vice pending*)  
msapoznikow@omm.com  
O'MELVENY & MYERS LLP  
Two Embarcadero Center, 28th Floor  
San Francisco, California 94111  
Telephone (415) 984-8700  
Facsimile (415) 984-8701

James E. Geringer, OSB No. 95178  
james.geringer@klarquist.com  
Patrick M. Bible, OSB No. 020323  
patrick.bible@klarquist.com  
KLARQUIST SPARKMAN, LLP  
121 S.W. Salmon Street, Suite 1600  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Fax: (503) 595-5301

Attorneys for Plaintiff  
MENTOR GRAPHICS CORPORATION